REMARKS

In response to a Final Official Action dated June 30, 2004, Applicants are filing a Request for Continued Examination pursuant to 37 C.F.R. § 1.114. At the time of the Final Office Action, claims 1-7 and 11-16 were pending. In this Preliminary Amendment, no claims are canceled, but claims 1, 11 and 14 are amended. Accordingly, claims 1-7 and 11-16 are currently pending. Reconsideration of the rejections and allowance of the pending claims are respectfully requested.

Rejections Under 35 U.S.C. § 102

In the Final Official Action, the Examiner rejected claims 1-7 and 11-16 under 35 U.S.C. § 102(e) as being anticipated by Hester (U.S. Pat. No. 5,608,426), which is herein referred to as "the Hester reference." Specifically, the Examiner stated:

> Claims 1-7, and 11-16 are rejected under 35 U.S.C. 102 (e) as being anticipated by Hester (US Patent 5,608,426).
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> As per claims 1, 4, 6, 11, and 14 Hester teaches a plurality of computers (see for example column 2 lines 40-45); a remote management controller having an EGA shadow look up table and a VGA shadow look up table (see for example column 3 lines 50-52, column 4 lines 1-8, and figure 1-3 with different display **protocols** having different palettes with one or more entries with each entry being identified by a **color index** value namely RGB), the remote management controller being adapted to snoop accesses (access and manipulate) to EGA and VGA color palettes of a video graphics controller (see for example column 4 lines 60-65 and figure 3), and to create a copy of information in the EGA color palette in the EGA shadow look up table and a copy (manipulation) of information in the VGA color palette in the VGA shadow look up table, wherein information in the EGA shadow look up table and the VGA shadow look up table is used to communicate correct color information to the remote computer (see for example column 4 lines 45-55 through communicating the changes and **manipulating** the system palette on the remote computer to make an exact **match**).

Final Official Action mailed June 30, 2004, pages 2-3.

Further, in the Response to Arguments section, the Examiner stated:

> Applicant admits on 1st paragraph of page 12 as to citation Hester as to palettes being present, however, omitting the presence of palettes for controlling the display of colors on monitor 12 as per citation made of the art of reference through the rejection filed 03/08/04. The three types of palettes 24, 26, and 28, on the other hand, contain three color fields (RGB) which fairly read on applicant's claimed color palette. Applicant also overlooks the citation made as per figures 1-3. Figure 3, for example, clearly shows a host pc 10, a communication link 16, and a remote pc 10. The citation of column 4 lines 45-58 clearly teaches "remote management controller" which states" according to the present invention, whenever a change is made to the system palette 26 of a **host** computer in a collaborative system, these changes are them **communicated to a remote computer** 10 to recreate the system palette 26 as a logical palette 28 **managed by the collaborative system on the remote computer** 10. If the collaborative system is actively executing on the remote computer 10, it is **permitted to access and manipulate the system palette 26 on the remote computer** 10 so that it is an exact match to its logical palette 28, i.e., the system palette 26 from the host computer 10."
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> Applicant also acknowledges "a controlling application manages the application sharing and communication functions" in the second paragraph of page 12. Applicant's attention is brought upon the line preceding the above citation which states" on both **host and remote** computers" in column 4 lines 61-62.
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> Applicant argues on page 12, 2nd paragraph that Hester fails to disclose" snooping accesses to EGA color palette and / or VGA color palette of a video graphic controller".
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> The examiner is broadly interpreting "snooping accesses" as "accessing and manipulating" as per citation of the rejection in the previous office action which is taught in column 4 lines 50-55 with different display protocols in column 3 lines 49-52.
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> Applicant argues on page 13 1st paragraph that Hester does not disclose "creating a copy information in the EGA color palette in the EGA shadow look up table and a copy of information in the VGA color palette in the VGA shadow look up table".
>
> In response the examiner is broadly interpreting "creating a copy information of color palettes in their respective shadow LUT" to correspond to "accessing and **manipulating** the system palette 26 on the remote computer 10 **so that it is an exact match** to its logical palette 28"in column 4 lines 45-**55** as per citation made in the previous

> office action and column 3 lines 41-65 that teaches collaborative system **replication for users to view similar displays** on their respective monitors and the **palette management system** which allows information to be displayed on remote computer 10 in almost **identical state** as it is on the host computer 10 which correspond to "creating a copy".
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> Final Official Action mailed June 30, 2004, pages 2-3.

In the present response, Applicants have amended independent claims 1, 11 and 14 to clarify certain subject matter, which is believed to be inherent in the originally filed claims. Specifically, Applicants have clarified that the remote management controller and EGA and VGA shadow lookup tables are in a local computer. Accordingly, Applicants respectfully assert that the Hester reference fails to anticipate the claimed subject matter.

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every element or step of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the prior art reference must show the identical invention in as complete detail as contained in the patent claim to support a *prima facie* case of anticipation. *See Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). As such, Applicants need only to point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

The present application is directed to a technique for remotely displaying color graphics of an accessed computer system. *See* Application, page 2, lines 7-9. Generally, a remote computer system may include an add-in board or an integrated remote console that interacts with a host computer to provide access to server video memory. *See id.* at page 4, lines 7-14; page 5, lines 1-5. While these methods of accessing the server video memory offer advantages, the cost of these techniques and the ability to provide only text video modes limit the functionality. *See id.* at page 4, lines 17-21; page 5, lines 5-10. In the present application, a remote management controller may obtain graphical information from a video graphics controller by snooping accesses to the video graphics controller. *See id.* at page 13, line 14 to page 14, line 9. For example, if the video graphics controller has a EGA and VGA palettes, the remote management controller may snoop accesses to these palettes. *See id.* at page 28, line 17 to page 29, line 9. Then, the remote management controller may create an EGA shadow lookup table of the EGA palette and a VGA shadow lookup table of the VGA palette. *See id.* at page 29, lines 10-21. The EGA and VGA shadow lookup tables may then be utilized to transmit correct colors to a remote terminal. *See id.* at page 34, line 18 to page 35, line 2.

Certain aspects of the remote displaying technique are recited in each of the independent claims 1, 4, 11 and 14. For instance, independent claim 1 recites "a remote management controller in a local computer" having "an EGA shadow look up table and a VGA shadow look up table" that is adapted to "snoop accesses to EGA and VGA color palettes of a video graphics controller" and "create a copy of information in the EGA color palette in the EGA shadow look up table and a copy of information in the VGA color palette in the VGA shadow look up table within the local computer." Independent claim 4 recites "a remote management controller" in the first computer that is adapted to

"snoop accesses by the processor to the EGA and VGA color palettes of the video graphics controller" and "create a copy of information in the EGA color palette in the EGA shadow look up table and a copy of information in the VGA color palette in the VGA shadow look up table." Further, independent claim 11 recites a "remote management controller in a local computer" that is adapted to "snoop accesses to an EGA color palette of a video graphics controller" and "create a copy of information in the EGA color palette in the EGA shadow look up table within the local computer." Similarly, independent claim 14 recites "a remote management controller in a local computer" that is adapted to "snoop accesses to a VGA color palette of a video graphics controller" and "create a copy of information in the VGA color palette in the VGA shadow look up table within the local computer." To be clear, the independent claims 1, 4, 11 and 14 recite a *remote management controller* in a local computer that *snoops* accesses to an EGA color palette and/or a VGA color palette of a video graphics controller *and* creates a *copy* of information in the color palette in *shadow look up tables within the local computer.*

It appears that the Hester reference is directed to a technique for managing palettes in collaborative systems. *See* Hester, col. 2, lines 1-9. To provide images for the collaborative system, the Hester system converts the palettes on a host computer into a device independent image for transmission to the collaborative system on a remote computer. *See id.* at col. 2, lines 51-60. This technique is utilized because the remote computers may have different types of displays, such as EGA, VGA, and s-VGA. *See id.* at col. 3, lines 42-52. In the Hester system, a computer apparently uses hardware palettes 24 for actual colors displayed on a monitor, system palettes 26 for applications to interface with the hardware palettes 24, and logic palettes 28 to reflect the desired color selections of the applications. *See id.* at col. 4,

lines 1-16. In the collaborative system, changes made to the system palettes 26 of the host computer are communicated to a remote computer. *See id.* at col. 4, lines 45-58. The system palettes 26 may be represented by a device dependent bitmap that is intercepted and converted into a device independent bitmap for transmission to the remote computer. *See id.* at col. 5, lines 42-57.

In contrast to the claimed subject matter, the Hester system simply converts a device dependent bitmap into a device independent bitmap for transmission to the remote system. Importantly, however, the Hester reference does not disclose the claimed *remote management controller, snooping* accesses to an EGA color palette and/or a VGA color palette in the local computer, or creating a *copy* of information in the color palette in a *shadow look up table within the local computer*, as discussed below.

First, the Hester reference does not disclose a *remote management controller.* In the rejection, the Examiner did not cite to any specific portion of the Hester reference that specifically disclose the remote management controller, but asserted that the remote management controller is taught in a passage, at col. 4, lines 45-58, which is provided below:

> According to the present invention, whenever a change is made to the system palette 26 of a host computer in a collaborative system, these changes are then communicated to a remote computer 10 to recreate the system palette 26 as a logical palette 28 managed by the collaborative system on the remote computer 10. If the collaborative system is actively executing on the remote computer 10, it is permitted to access and manipulate the system palette 26 on the remote computer 10 so that it is an exact match to its logical palette 28, i.e., the system palette 26 from the host computer 10. If the collaborative system is idle on the remote system 10, it is permitted to access and manipulate the system palette 26 on the remote computer 10 so as to provide the closest possible color match to its logical palette 28.
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> Hester, col. 4, lines 45-58.

Nothing in this passage suggests or teaches a remote management controller in the local computer. At best, the passage describes providing changes that are made in a system palette 26 on a host computer 10 to a remote computer 10. The remote computer is operating the collaborative system. Yet, the passage does not even mention a remote management controller. As such, the passage relied upon by the Examiner does not disclose the claimed subject matter as recited in independent claims 1, 4, 11 and 14.

Secondly, the Hester reference fails to disclose *snooping* accesses to an EGA color palette and/or VGA color palette of a video graphics controller, as recited in independent claims 1, 4, 11 and 14. In the rejection, the Examiner did not cite to any specific elements of the Hester reference, but asserted that snooping is taught in a passage, at col. 4, lines 60-65. Further, in the Response to Arguments section, the Examiner clarified that snooping is interpreted to be "accessing and manipulating," which is based on a passage, at col. 4, lines 50-55. However, the Hester reference does not disclose *snooping* accesses to an EGA color palette and/or VGA color palette of a video graphics controller. To begin, *snooping* is commonly defined to be a technique to "monitor" accesses on a bus to another device. In the passages relied upon by the Examiner, the collaborative system accesses and manipulates a system palette 26 within the remote computer 10. Nothing in the passage describes *snooping* accesses to EGA and VGA color palettes in the *local* computer. At best, the passage describes that the collaborative system, which is clearly *executing on the remote computer*, changes the system palette 26 on the remote computer 10. *See* Hester, col. 4, lines 50-55. That is, the passages do not even disclose or suggest accessing and manipulating palettes on the local computer.

Further, Applicants respectfully submit that the Examiner's construction is *not* reasonable and therefore insufficient to demonstrate a *prima facie* case of anticipation. In the passage of Hester, accessing and manipulating is performed on the system palette 26 by the collaborative system. *See id.* In contrast, the claims relate to a remote management controller that snoops accesses *from the processor to the video graphics controller*. The remote management controller obtains accesses from the processor to another controller, which is the *video graphics controller*, not accesses directed to it. Yet, in the passage of Hester, the collaborative system accesses and manipulates the system palette. Thus, the Examiner's construction in view of the cited passage is *not* a reasonable interpretation of "snooping." As a result, the passages relied upon by the Examiner along with the Examiner's construction do not disclose the subject matter recited in independent claims 1, 4, 11 and 14.

Finally, the Hester reference fails to disclose creating a *copy* of information in a EGA color palette in a EGA shadow look up table and/or a *copy* of information in a VGA color palette in a VGA shadow look up table within the local computer. Again, the Examiner did not cite to any specific elements of the Hester reference, but relied upon a particular passage at col. 4, lines 45-55, of the Hester reference to assert that the claimed subject matter is provided within the reference. Further, in the Response to Arguments section, the Examiner asserted that "creating a copy information of color palettes in their respective shadow LUT" corresponds to "accessing and manipulating the system palette 26 on the remote computer 10 so that it is an exact match to its logical palette 28." However, in the cited passage, the Hester reference simply describes how a change in a system palette 26 of the host computer is communicated to a remote computer 10. *See* Hester, col. 4, lines 45-50. That is, the remote computer 10 may update the window associated with the collaborative system from the received system palette 26. *See id.* at col. 4, lines 50-56. Again, these actions in the passage

cited by the Examiner are performed on the remote computer 10, not on a local computer, as recited in the claims. Clearly, the Hester system is not creating copies of color palettes in shadow look up tables within the local computer.

Further, Applicants again respectfully submit that the Examiner's construction is *not* reasonable and therefore insufficient to demonstrate a *prima facie* case of anticipation. As noted above, accessing and manipulating is performed by the collaborative system on the system palette 26. *See id.* The collaborative system is not creating a copy of an EGA and/or VGA color palette on the local computer, but is changing the system palette on the remote computer 10. Indeed, the Hester reference does not even disclose that a copy of the system palette 26 is created on the local computer. As such, the Examiner's construction is *not* a reasonable interpretation of creating a copy of an EGA and/or VGA color palette. Accordingly, the Hester reference does not disclose creating a *copy* of information in the EGA color palette in the EGA shadow look up table and/or a *copy* of information in the VGA color palette in the VGA shadow look up table.

Because the Hester reference fails to disclose all the claimed subject matter, the reference fails to support a *prima facie* case of anticipation. Therefore, Applicants respectfully assert that claims 1-7 and 11-16 are allowable over the Hester reference.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims 1-7 and 11-16. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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